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E.O. 12958: DECL: TEN YEARS  
TAGS: [PGOV](#) [PREL](#) [EC](#)  
SUBJECT: FINAL RESULTS: 82% IN FAVOR OF ASSEMBLY; CONGRESS  
THREATENING COURT

Classified By: PolChief Erik Hall for reasons 1.4 (b&d)

¶1. (SBU) Summary: The Supreme Electoral Tribunal (TSE) on April 20 issued final results of the referendum approving the government's proposed national constituent assembly, which passed with 81.72% of the vote. The TSE is expected to unveil the timeline for assembly elections soon--most expect an October 7 election date.

¶2. (SBU) In the wake of voter approval of the constituent assembly referendum, the replacement Congress has re-divvied up internal leadership positions, confident that the TSE decision stripping 57 members of their political rights will not be reversed. To prevent the Constitutional Court from ruling in favor of reinstating the 57 or against the voter-approved assembly statute, some members of Congress have proposed to vote on April 24 to dismiss the Court, claiming it has overstayed the proper period in office. The Court and members of the opposition claim such a move would be unconstitutional and would deliver another democratic institution into the hands of the Correa government. It is not yet clear the votes to dismiss or impeach the court exist; its dissolution by pretext would be another setback for the tattered rule of law here. End Summary.

#### Referendum Results Final

¶3. (U) The TSE issued final results for the April 15 referendum on April 20, asking voters if they approve a national constituent assembly to rewrite the constitution and reform the state, as follows:

Total votes cast: 6,552,489 (of 9,188,787 registered voters)

Abstention Rates: Men: 30.12%; Women 27.29%

Yes: 81.72%

No: 12.43%

Blank: 0.78%

Null: 5.07%

#### Congress Back in Business

¶4. (U) Since March 26, Congress has been meeting with a total of up to 87 members: 33 from the ID, PRE, RED, Pachakutik, Socialists, MPD and independents; 14 original deputies from the PSC, PSP, PRIAN and UDC; and 42 substitute

members from the PRIAN (19), PSP (16), PSC (6) and UDC (1) sworn in between March 20-22; 21 of whom conform the rebel "National Dignity Bloc" (10 PRIAN, 9 PSP, 2 PSC), which provided a quorum to Congress against the wishes of their parties. Since taking office, some members of the Dignity Bloc initiated a legal complaint against 27 of the 57 dismissed deputies, for signing a document in which the 27 claimed to represent the legitimate Congress.

15. (U) On April 17, 57 member of Congress (from the ID, PRE, RED, Pachakutik, MPD and Dignity Bloc) elected new internal authorities (naming Dignity Bloc deputy Miguel Castro as 1st VP, replacing dismissed deputy Edison Chavez of the PSP; Byron Pacheco of the RED took the second vice presidency formerly occupied by the PSC). The key administrative (or Rules) committee was divided between the UDC, PRE, ID and Dignity Bloc. On April 19, again with 57 votes in favor, Congress reconstituted its 18 legislative commissions, which had been dormant since the dismissal of the 57, blocking legislative activity. The ID, RED and Pachakutik took the presidencies of three commission each; while the PRE and the Dignity Block won two each, followed by the Socialists, MPD, Nuevo Pais, and the ARE with one each.

#### Threat to Court

16. (U) Socialist deputy Silvia Salgado has launched a proposal to vote on April 24 to dismiss the Constitutional Court, scheduled to rule on the legality of the assembly statute the same day. RED deputy Santiago Guarderas charged that Congress did not have authority to dismiss the court by a simple majority resolution, only by impeachment, which requires a 2/3 vote. PSC deputy Franco Romero accused supporters of the Salgado initiative of "falling into the same (dubious) practices they criticize." Pachakutik congressional bloc leader Ramses Torres, a strong supporter of the Salgado initiative, has requested a legal opinion on it from the independent Solicitor General, Xavier Garaicoa.

17. (U) Meanwhile, representatives from the presidency, the TSE, and the government Solicitor General have argued in

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favor of the assembly statute's legality. The Constitutional Court on April 19 released its non-binding opinion that the Salgado initiative was unconstitutional. In a related case, on April 18 TSE President Jorge Acosta formally appealed to the Constitutional Court a Guayas judge's injunction against the dismissal of the 57.

#### Comment

18. (C) The majority in the new (but clearly not improved) Congress is back to business as usual, further undermining public confidence in the institution by threatening other democratic institutions. Emboldened by strongly favorable referendum results, the pro-assembly majority clearly seeks to intimidate or eliminate any potential challenge to the upcoming assembly from the Constitutional Court. In typical Ecuadorian fashion, this Constitutional Court was constituted in the wake of an earlier crisis in a somewhat ad hoc way, leaving murky the question of when its current term legally ends. The Correa government's role in attempting to influence the courts is not clear, but a strong government reaction is expected in the event the Court actually strikes down the assembly statute or reinstates the 57 dismissed deputies.

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